

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2007-1336-MLM-E **TCEQ ID:** RN102177888 **CASE NO.:** 34448
RESPONDENT NAME: Murpaks, Inc.

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input checked="" type="checkbox"/> MULTI-MEDIA (check all that apply)	<input checked="" type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input checked="" type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Murpaks, 8782 Ranch Road 2169, Junction, Kimble County</p> <p>TYPE OF OPERATION: Cedar wood oil extraction facility</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: Mr. Mel Ferguson, Legislative Office of Senator Troy Fraser, P.O. Box 12068, Capitol Station, Austin, Texas 78711</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on January 14, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms Cynthia McKaughan, Enforcement Division, Enforcement Team 7, MC 128, (512) 239-0735; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Mark Nash, Manager, Murpaks, Inc., P.O. Box 325, Junction, Texas 76849 Mr. Bobby Murr, President, Murpaks, Inc., P.O. Box 325, Junction, Texas 76849 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: June 12, 2007</p> <p>Date of NOV/NOE Relating to this Case: August 3, 2007 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WASTE</p> <p>Failure to obtain and maintain Financial Assurance for the closure of a facility that stores combustible, recyclable materials outdoors. Specifically, the Respondent stored outdoors a pile of combustible, recyclable mulch (approximately 1,000,000 cubic yards) and depleted cedar chips (approximately 6,000 cubic yards), without the required Financial Assurance [30 TEX. ADMIN. CODE §§ 37.921, 328.5(d) and 335.24(k)].</p>	<p>Total Assessed: \$ 3,690</p> <p>Total Deferred: \$738 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$2,952</p> <p>Site Compliance History Classification <input checked="" type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input checked="" type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has submitted an acceptable mechanism of financial assurance for the the Facility on October 17, 2007.</p>

Additional ID No(s):AIR KG0003S



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

TCEQ

DATES	Assigned	6-Aug-2007	Screening	16-Aug-2007	EPA Due	
	PCW	24-Oct-2007				

RESPONDENT/FACILITY INFORMATION

Respondent	Murpaks, Inc.		
Reg. Ent. Ref. No.	RN102177888		
Facility/Site Region	8-San Angelo	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	34448	No. of Violations	1
Docket No.	2007-1336-MLM-E	Order Type	1660
Media Program(s)	Industrial and Hazardous Waste	Enf. Coordinator	Cynthia McKaughan
Multi-Media	Municipal Solid Waste	EC's Team	EnforcementTeam 7
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$1,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History -4% Enhancement Subtotals 2, 3, & 7 -\$40Notes The Respondent received three NOV's without same or similar violations and reduction due to High Performer classification.Culpability No 0% EnhancementSubtotal 4 \$0Notes The Respondent does not meet the culpability criteria.Good Faith Effort to Comply 0% ReductionSubtotal 5 \$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	X	(mark with x)

Notes The Respondent does not meet the good faith criteria.

Total EB Amounts	\$2,867
Approx. Cost of Compliance	\$2,730

0% Enhancement*

*Capped at the Total EB \$ Amount

Subtotal 6 \$0

SUM OF SUBTOTALS 1-7

Final Subtotal \$960

OTHER FACTORS AS JUSTICE MAY REQUIRE

 284%Adjustment \$2,730

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes Recommended adjustment to capture avoided cost associated with the violation.Final Penalty Amount \$3,690

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$3,690

DEFERRAL

 20%

Reduction

Adjustment -\$738

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes Deferral offered for expedited settlement.

PAYABLE PENALTY

 \$2,952

Screening Date 16-Aug-2007

Docket No. 2007-1336-MLM-E

PCW

Respondent Murpaks, Inc.

Policy Revision 2 (September 2002)

Case ID No. 34448

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102177888

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Cynthia McKaughan

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 6%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance
History
Notes

The Respondent received three NOVs without same or similar violations and reduction due to High Performer classification.

Total Adjustment Percentage (Subtotals 2, 3, & 7) -4%

Screening Date 16-Aug-2007		Docket No. 2007-1336-MLM-E		PCW	
Respondent Murpaks, Inc.		<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 34448		<small>PCW Revision June 26, 2007</small>			
Reg. Ent. Reference No. RN102177888					
Media [Statute] Industrial and Hazardous Waste					
Enf. Coordinator Cynthia McKaughan					
Violation Number <input type="text" value="1"/>					
Rule Cite(s)		<input type="text" value="30 Tex. Admin. Code §§ 37.921, 328.5(d) and 335.24(k)"/>			
Violation Description		<input type="text" value="Failed to obtain and maintain Financial Assurance for the closure of a facility that stores combustible, recyclable materials outdoors. Specifically, the Respondent stored outdoors a pile of combustible, recyclable mulch (approximately 1,000,000 cubic yards) and depleted cedar chips (approximately 6,000 cubic yards), without the required Financial Assurance."/>			
		Base Penalty		<input type="text" value="\$10,000"/>	

>> Environmental, Property and Human Health Matrix

		Harm			
Release		Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

		Major	Moderate	Minor	
Falsification		<input type="text" value="X"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="10%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events <input type="text" value="1"/>	<input type="text" value="65"/>	Number of violation days
---	---------------------------------	--------------------------

<small>mark only one with an x</small>	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$1,000"/>
	monthly	<input type="text"/>	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input type="text" value="X"/>	

Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount <input type="text" value="\$2,867"/>		Violation Final Penalty Total <input type="text" value="\$3,690"/>	
This violation Final Assessed Penalty (adjusted for limits)		<input type="text" value="\$3,690"/>	

Economic Benefit Worksheet

Respondent Murpaks, Inc.

Case ID No. 34448

Reg. Ent. Reference No. RN102177888

Media Industrial and Hazardous Waste

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]	\$2,730	12-Jun-2007	17-Oct-2007	1.0	\$137	\$2,730	\$2,867
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost of providing financial assurance for the facility. The Date Required is the investigation date. The Final Date is the date of compliance.

Approx. Cost of Compliance

\$2,730

TOTAL

\$2,867

Compliance History

Customer/Respondent/Owner-Operator:	CN601178650	MURPAKS, INC.	Classification: HIGH	Rating: 0.05																											
Regulated Entity:	RN102177888	MURPAKS	Classification: HIGH	Site Rating: 0.05																											
ID Number(s):	<table border="0"> <tr> <td>PETROLEUM STORAGE TANK REGISTRATION</td> <td>REGISTRATION</td> <td>18005</td> </tr> <tr> <td>WASTEWATER</td> <td>PERMIT</td> <td>WQ0001391000</td> </tr> <tr> <td>WASTEWATER</td> <td>PERMIT</td> <td>TPDES0001856</td> </tr> <tr> <td>WASTEWATER</td> <td>PERMIT</td> <td>TX0001856</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>1556</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>ACCOUNT NUMBER</td> <td>KG0003S</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>AFS NUM</td> <td>4826700001</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>54115</td> </tr> <tr> <td>STORMWATER</td> <td>PERMIT</td> <td>TXR05N864</td> </tr> </table>				PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	18005	WASTEWATER	PERMIT	WQ0001391000	WASTEWATER	PERMIT	TPDES0001856	WASTEWATER	PERMIT	TX0001856	AIR NEW SOURCE PERMITS	PERMIT	1556	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	KG0003S	AIR NEW SOURCE PERMITS	AFS NUM	4826700001	AIR NEW SOURCE PERMITS	PERMIT	54115	STORMWATER	PERMIT	TXR05N864
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AIR NEW SOURCE PERMITS	AFS NUM	4826700001																													
AIR NEW SOURCE PERMITS	PERMIT	54115																													
STORMWATER	PERMIT	TXR05N864																													
Location:	8782 RANCH RD 2169, JUNCTION, TX, 76849		Rating Date: 9/1/2006 Repeat Violator: NO																												
TCEQ Region:	REGION 08 - SAN ANGELO																														
Date Compliance History Prepared:	August 31, 2007																														
Agency Decision Requiring Compliance History:	Enforcement																														
Compliance Period:	August 31, 2002 to August 31, 2007																														

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Cynthia McKaughan Phone: (512) 239-0735

Site Compliance History Components

- Has the site been in existence and/or operation for the full five year compliance period? Yes
- Has there been a (known) change in ownership of the site during the compliance period? No
- If Yes, who is the current owner? N/A
- If Yes, who was/were the prior owner(s)? N/A
- When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
- Any criminal convictions of the state of Texas and the federal government.
N/A
- Chronic excessive emissions events.
N/A
- The approval dates of investigations. (CCEDS Inv. Track. No.)
N/A
 - 09/16/2002 (154849)
 - 10/15/2002 (154851)
 - 11/07/2002 (154852)
 - 12/06/2002 (154854)
 - 01/10/2003 (154856)
 - 02/18/2003 (154839)
 - 03/10/2003 (154841)
 - 04/22/2003 (154843)
 - 05/05/2003 (294118)
 - 06/09/2003 (294119)
 - 07/09/2003 (294120)
 - 08/06/2003 (294121)
 - 09/05/2003 (294122)
 - 10/07/2003 (294123)
 - 11/05/2003 (294124)
 - 12/03/2003 (294125)
 - 01/09/2004 (294126)

18	01/16/2004	(257205)
19	02/17/2004	(294114)
20	03/05/2004	(294116)
21	04/05/2004	(294117)
22	05/06/2004	(351574)
23	06/04/2004	(351575)
24	07/06/2004	(351576)
25	08/09/2004	(351577)
26	09/13/2004	(351578)
27	10/07/2004	(351579)
28	11/04/2004	(381583)
29	12/06/2004	(381584)
30	01/11/2005	(381585)
31	01/18/2005	(381581)
32	03/08/2005	(381582)
33	04/11/2005	(419362)
34	04/14/2005	(419366)
35	05/05/2005	(419363)
36	06/02/2005	(377185)
37	06/16/2005	(419364)
38	06/23/2005	(419367)
39	06/23/2005	(419365)
40	09/12/2005	(440550)
41	10/10/2005	(467927)
42	12/14/2005	(467928)
43	01/17/2006	(467926)
44	01/17/2006	(467929)
45	02/15/2006	(467924)
46	03/09/2006	(467925)
47	04/10/2006	(497896)
48	05/23/2006	(466540)
49	06/09/2006	(497897)
50	06/26/2006	(497899)
51	06/26/2006	(497898)
52	08/11/2006	(519919)
53	09/27/2006	(519920)
54	09/27/2006	(519921)
55	12/28/2006	(544159)
56	01/17/2007	(537025)
57	02/23/2007	(538619)
58	04/05/2007	(556160)
59	04/30/2007	(557871)
60	08/03/2007	(568217)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	05/23/2006	(466540)		
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 319, SubChapter A 319.11(b)			
Rqmt Prov:	PERMIT PPIV.2			
Description:	Failure to properly preserve samples.			
Date:	02/23/2007	(538619)		
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 335, SubChapter A 335.4[G]			
Description:	Failure to properly manage industrial solid waste.			
Self Report?	NO		Classification:	Moderate
Citation:	40 CFR Chapter 279, SubChapter I, PT 279, SubPT C 279.22(c)(1)			
Description:	Failure to label a tank and 55 gallon container holding waste oil as "Used Oil."			
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 328, SubChapter F 328.55[G]			
Description:	Failure to register as a tire transporter and processor.			
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 335, SubChapter A 335.5[G]			
Description:	Failure to deed record the onsite waste landfill.			
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 335, SubChapter C 335.62			
	40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11[G]			
Description:	Failure to conduct hazardous waste determinations and waste classifications.			
Self Report?	NO		Classification:	Moderate

Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)	
Rqmt Prov:	PERMIT Permit Number 1556, Special Condition 16	
Description:	Failure to handle bottom ash and fly ash in such a manner that it will not become re-entrained into the atmosphere	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)	
Rqmt Prov:	PERMIT Permit Number 1556, Special Condition 12	
Description:	Failure to protect the truck loading/bin dumping operation from wind shear with walls on all four sides	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)	
Rqmt Prov:	PERMIT Permit Number 1556, Special Condition 13	
Description:	Failure to enclose the Overflow Building with doors that remain closed during normal operation	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.116(a)(1)	
Rqmt Prov:	PERMIT Permit Number 1556, General Condition 1	
Description:	Failure to operate the boilers as specified in the application for Permit Number 1556	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 106, SubChapter A 106.8(c)	
Description:	Failure to maintain sufficient records to demonstrate the parts washer is in compliance with Permit By Rule (PBR) 30 TAC 106.454	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 281, SubChapter A 281.25(a)(4)	
Rqmt Prov:	PERMIT MSGP Part III, Section A(5)(a)	
Description:	Failure to develop an adequate good housekeeping SWP3 section and inadequate implementation.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 281, SubChapter A 281.25(a)(4)	
Rqmt Prov:	PERMIT MSGP Part III, Section A(5)(f)	
Description:	Failure to provide employee training and employee education to all employees.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 281, SubChapter A 281.25(a)(4)	
Rqmt Prov:	PERMIT MSGP Part III, C(1)(c)	
Description:	Failure to maintain a rain gauge and maintain records of representative rain events.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 281, SubChapter A 281.25(a)(4)	
Rqmt Prov:	PERMIT MSGP Part III, A(7)(b)	
Description:	Failure to conduct the Comprehensive Site Compliance Evaluations.	
Date:	04/04/2007 (556160)	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)	
Rqmt Prov:	PERMIT Permit Number 1556, Special Condition 16	
Description:	Failure to handle bottom ash and fly ash in such a manner that it will not become re-entrained into the atmosphere	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)	
Rqmt Prov:	PERMIT Permit Number 1556, Special Condition 12	
Description:	Failure to protect the truck loading/bin dumping operation from wind shear with walls on all four sides	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)	
Rqmt Prov:	PERMIT Permit Number 1556, Special Condition 13	
Description:	Failure to enclose the Overflow Building with doors that remain closed during normal operation	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.116(a)(1)	
Rqmt Prov:	PERMIT Permit Number 1556, General Condition 1	
Description:	Failure to operate the boilers as specified in the application for Permit Number 1556	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 106, SubChapter A 106.8(c)	
Description:	Failure to maintain sufficient records to demonstrate the parts washer is in compliance with Permit By Rule (PBR) 30 TAC 106.454	

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

- N/A
- H. Voluntary on-site compliance assessment dates.
- N/A
- I. Participation in a voluntary pollution reduction program.
- N/A
- J. Early compliance.
- N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
MURPAKS, INC.
RN102177888**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-1336-MLM-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Murpaks, Inc. ("Murpaks") under the authority of TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and Murpaks appear before the Commission and together stipulate that:

1. Murpaks owns and operates a cedar wood oil extraction facility at 8782 Ranch Road 2169 in Junction, Kimble County, Texas (the "Facility").
2. The Facility involves the management of industrial solid waste and municipal solid waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.
3. The Commission and Murpaks agree that the Commission has jurisdiction to enter this Agreed Order, and that Murpaks is subject to the Commission's jurisdiction.
4. Murpaks received notice of the violations alleged in Section II ("Allegations") on or about August 8, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Murpaks of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Three Thousand Six Hundred Ninety Dollars (\$3,690) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Murpaks has paid Two Thousand Nine Hundred Fifty-Two Dollars (\$2,952) of

the administrative penalty and Seven Hundred Thirty-Eight Dollars (\$738) is deferred contingent upon Murpaks' timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Murpaks fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Murpaks to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Murpaks have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that Murpaks has submitted an acceptable mechanism of financial assurance for the the Facility on October 17, 2007.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Murpaks has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner of the Facility, Murpaks is alleged to have failed to obtain and maintain Financial Assurance for the closure of a facility that stores combustible, recyclable materials outdoors, in violation of 30 TEX. ADMIN. CODE §§ 37.921, 328.5(d) and 335.24(k), as documented during an investigation conducted on June 12, 2007. Specifically, Murpaks stored outdoors a pile of combustible, recyclable mulch (approximately 1,000,000 cubic yards) and depleted cedar chips (approximately 6,000 cubic yards), without the required Financial Assurance.

III. DENIALS

Murpaks generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Murpaks pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Murpaks' compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Murpaks, Inc., Docket No. 2007-1336-MLM-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon Murpaks. Murpaks is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against Murpaks in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Murpaks, or three days after the date on which the Commission mails notice of the Order to Murpaks, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Murpaks, Inc.
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

11/29/2008
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

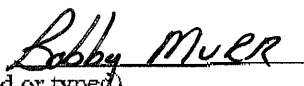
- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

10-25-07
Date



Name (Printed or typed)
Authorized Representative of
Murpaks, Inc.



Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

